

REMARKS

The Examiner is requiring the election of a single disclosed species of the following:  
The species of formula (I).

Applicants have provisionally elected, a diacylglyceryl ether-containing composition derived from shark liver oil, in which  $R^1$ ,  $R^2$ , and  $R^3$  (aliphatic hydrocarbon and acyl groups) of formula (I) have the same composition as that shown in Table 1 of Example 1 of the present specification at pages 8-9, with traverse.

Under PCT Rule 13 for international applications, as applied to national stage applications (and continuation applications thereof), the “requirement of unity of invention” is considered fulfilled when there is 1) a special technical relationship among a group of claimed inventions involving one or more of the same or corresponding special technical features, and 2) those technical features define a contribution in which each of the claimed inventions, considered as a whole, makes over the prior art. *See* PCT Rules 13.1 & 13.2; M.P.E.P. § 1893.03(d); 37 CFR. § 1.475. Applicants respectfully traverse the election of species requirement on the grounds that the Examiner has not shown that the requirements of unity of invention have not been met.

In particular, the Examiner merely asserts that the species from formula (I) are not so linked as to form a single general inventive concept under PCT Rule 13.1, because the claims are generic and the substituents  $R^1$ ,  $R^2$ , and  $R^3$  are undefined. However, the Examiner has not discussed any lack of a special technical relationship among the species, or provided any evidence that the species do not define a contribution over any prior art references.

Moreover, it appears that the Examiner misconstrues the present invention by requiring the election of a specific name of aliphatic hydrocarbon and acyl group for each substituent ( $R^1$ ,  $R^2$ , and  $R^3$ ) of formula (I), since claim 1 refers to “a composition containing diacylglyceryl ether represented by the formula (I).” Accordingly, Applicants have elected

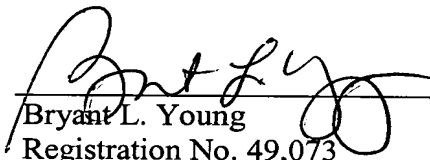
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for the composition, a diacylglyceryl ether-containing composition derived from shark liver oil, in which composition contents of  $R^1$ ,  $R^2$ , and  $R^3$  (aliphatic hydrocarbon and acyl groups) of formula (I) are shown in Table 1 of Example 1 of the present specification.

Thus, in light of the reasons stated above, Applicants submit that the election of species requirement is improper. Withdrawal of the election of species requirement is respectfully requested.

Respectfully submitted,

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